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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,556	03/29/2004	Shih-Sheng Yang	FP10114	1236
52981	7590	09/08/2006	EXAMINER	
LEONG C LEI			LAMBELET, LAWRENCE EMILE	
PMB # 1008			ART UNIT	
1867 YGNACIO VALLEY ROAD			PAPER NUMBER	
WALNUT CREEK, CA 94598			1732	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,556

Applicant(s)

YANG, SHIH-SHENG

Examiner

Lawrence Lambelet

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 7-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 7-12 are entered into the record and claims 1-6 are acknowledged as cancelled. New claims 7 and 8 overcome the 35 U.S.C. §112, second paragraph, rejection of the previous Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilford (U.S. Patent 3,351,691), and further in view of Gill (U.S. Patent 6,886,807).

The cited primary reference substantially teaches the basic claimed method of molding a nozzle comprising the steps of providing a multi-piece mold unit wherein a first core die with a projecting portion 28 and an upper mold with a projecting section is provided. An annular shaped nozzle throat member insert 32 is positioned on the upper portion of the upper mold. An attachment ring insert is positioned on the bottom of the core die. The mold pieces are assembled and a cavity is formed with the inserts positioned as described above. A plastic material is injected into the mold cavity to unite with the inserts and form a composite nozzle piece. See col .3, lines 20-70.

The cited primary reference does not teach making a soft nozzle as claimed, or with a threaded cover.

The added secondary reference teaches as conventional the feature of a plastics molded nozzle wherein the nozzle is resilient, and includes multiple inserts formed therein. The nozzle is a preferred bite valve, with a connecting conduit 54, and a hollow body 52, and an internal plug member. See col. 5, lines 20-55; col. 6, lines 1-20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mold a resilient nozzle in view of the added reference, when performing the process set forth in the primary reference, as that process is generic to the molding of any conventional nozzle, including the nozzle disclosed in the added reference.

With respect to the cover being threaded, note that surface 58 is provided with attachment means (flanges and the like) for attaching to an integral piece like plug 62, and is depicted as having an interlocking profile (see figures 3 and 5); it would have been obvious to so include a threaded surface for making an interlocking fit with the plug member.

With respect to claims 9-11, the claimed shapes are deemed obvious alternative and equivalent shapes to the shapes so disclosed.

With respect to claim 12, the claimed ratchet tube is set forth as an alternative to the claimed cover; such is therefore deemed an obvious alternative.

Response to Arguments

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Applicant's arguments filed 6/26/2006 have been fully considered but they are not persuasive.

Applicant argues that the limitations of claims 7-12 (claims 1-6 previous to amendment) are not met by the reference combination of Wilford in view of Gill.

Specifically, applicant claims that the following is not disclosed:

Mounting a threaded cover having interior threads onto a bottom step of a first mold post.

Disposing at least a pair of combinative blocks in a coupler at a top of the first mold post.

Disposing the first mold post into a mother mold.

Disposing a second mold post into the mother mold opposite the first mold post with a distance between.

Injecting soft plastic material and integrally combining the threaded cover and the combinative blocks to form a nozzle.

Cutting on a surface to form one outlet crevice between the combinative blocks at right and left sides.

By comparison, the reference combination shows the following method steps:

A first preform is loaded onto a first appurtenance (core) of a mold at one end of an object to be formed (Wilford).

A second preform is loaded onto a second appurtenance (cavity protrusion) of the mold at a distance from the first perform such that there is a cavity space

therebetween and wherein the second appurtenance is surrounded, left and right, by the second preform (Wilford).

An elastomeric material is injected into the cavity space thereby to flexibly join the first and second preforms and unitize the object forming a nozzle (Wilford in view of Gill).

A secondary post-molding cutting operation is performed in an interior space bounded by the second preform (Wilford).

The only differences between the method of the reference combination and the instant application claim 7 are those of structural detail. Applicant's argument has failed to show that the structural elements affect the method in a manipulative sense rather than merely claiming use of a particular structure. Therefore, the reference combination as stated is appropriate and sufficient to establish a prima facie case of obviousness.

Applicant also argues that Wilford and Gill separately do not meet the limitations of the claims. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Lambelet whose telephone number is 571-272-1713. The examiner can normally be reached on 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LEL
8/30/2006


CHRISTINA JOHNSON
PRIMARY EXAMINER
9/5/06